

1 BILL NO. G-80-06-16 (AS AMENDED)

2 GENERAL ORDINANCE NO. 11 21-80

3
4 AN ORDINANCE amending the Thoroughfare
5 Plan of the City Comprehensive ("Master")
6 Plan by vacating a portion of an alley
7 between Huffman Street and Spring Street
8 running from Sherman Street to Andrew Street.

9 WHEREAS, (1) a petition to vacate a portion of an alley
10 (as more specifically described below) was duly filed with the City Plan
11 Commission; and (2) said Commission duly held a public hearing thereon;
12 and (3) said Commission has duly forwarded its recommendation thereon to
13 this body approving said petition, all in accordance with Section 81,
14 P.L. 178, Acts of 1979 (I.C. 18-7-4-512), and

15 WHEREAS, this body concurs in the recommendation of the City
16 Plan Commission:

17 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
18 INDIANA:

19 SECTION 1. That the Thoroughfare Plan of the City Comprehensive
20 ("Master") Plan, as set forth in General Ordinance No. G-97 adopted
21 November 26, 1963, as amended, is amended by vacating:

22 Commencing at the Southwest corner of Lot Number
23 8 in the Trentman and Wagner's Addition to the City
24 of Fort Wayne, Allen County, Indiana, as shown in
25 Plat Book 2 at Page 48 in the Office of the Allen
26 County Recorder, thence in an easterly direction on
27 and along the South boundary lines of said Lot 8 and
28 9 in said addition a distance of 83 feet; thence in a
29 southerly direction parallel with Sherman Street a
30 distance of 10 feet to the North boundary line of
31 Lot Number 21 in Trentman and Wagner's Addition to
32 the City of Fort Wayne, Allen County, Indiana; thence
in a westerly direction on and along the North boundary
line of said Lot Number 21 a distance of 83 feet to the
Northwest corner of said Lot 21; thence in a northerly
direction, parallel with Sherman Street a distance of
10 feet, to the place of beginning.

1 said amendment to become effective upon the legal vacation of said
2 alley.

3 SECTION 2. After passage, approval by the Mayor and legal
4 publication of this ordinance, the City Clerk shall prepare and transmit
5 certified copies of it to the City Plan Commission, the Board of Public
6 Works, the Board of Public Safety, and the petitioners.

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10 _____
11 COUNCILMEMBER

12 APPROVED AS TO FORM AND LEGALITY

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14 _____
15 JOHN E. HOFFMAN
16 City Attorney
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1 BILL NO. G-80-06-16

2 GENERAL ORDINANCE NO. G-_____

3
4 AN ORDINANCE amending the Thoroughfare
5 Plan of the City Comprehensive ("Master")
6 Plan by vacating a portion of Huffman
7 Street.

8 WHEREAS, (1) a petition to vacate a portion of Huffman
9 Street (as more specifically described below) was duly filed
10 with the City Plan Commission; and (2) said Commission duly
11 held a public hearing thereon; and (3) said Commission has
12 duly forwarded its recommendation thereon to this body ap-
13 proving said petition, all in accordance with Section 81,
14 P.L. 178, Acts of 1979 (I.C. 18-7-4-512), and

15 WHEREAS, this body concurs in the recommendation of the
16 City Plan Commission:

17 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
18 WAYNE, INDIANA:

19 SECTION 1. That the Thoroughfare Plan of the City Compre-
20 hensive ("Master") Plan, as set forth in General Ordinance No.
21 G-97 adopted November 26, 1963, as amended, is amended by
22 vacating:

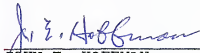
23 Commencing at the Southwest corner of Lot
24 Number 8 in the Trentman and Wagner's Ad-
25 dition to the City of Fort Wayne, Allen
26 County, Indiana, as shown in Plat Book 2
27 at Page 48 in the Office of the Allen County
28 Recorder, thence in an easterly direction on
29 and along the South boundary lines of said
30 Lot 8 and Lot 9 in said addition a distance
31 of 83 feet; thence in a southerly direction
32 parallel with Sherman Street a distance of
10 feet to the North boundary line of Lot
number 21 in Trentman and Wagner's Addition
to the City of Fort Wayne, Allen County,
Indiana; thence in a westerly direction on
and along the North boundary line of said Lot
number 21 a distance of 83 feet to the North-
west corner of said Lot 21; thence in a northerly
direction, parallel with Sherman Street a dis-
tance of 10 feet, to the place of beginning.

said amendment to become effective upon the legal vacation of said street.

SECTION 2. After passage, approval by the Mayor and legal publication of this ordinance, the City Clerk shall prepare and transmit certified copies of it to the City Plan Commission, the Board of Public Works, the Board of Public Safety, and the petitioners.


COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY JUNE 19, 1980.


JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by Eustach, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATE: 6/24/80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Eustach, seconded by Schmidt, and duly adopted, placed on its passage. PASSED (~~lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	_____	_____	_____	_____
BURNS	<u>✓</u>	_____	_____	_____	_____
EISBART	<u>✓</u>	_____	_____	_____	_____
GIAQUINTA	<u>✓</u>	_____	_____	_____	_____
NUCKOLS	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>✓</u>	_____	_____	_____	_____
SCHOMBURG	<u>✓</u>	_____	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 10-14-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 62-21-80 on the 14th day of October, 1980.

Charles W. Westerman ATTEST:
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)
Vivian L. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1980, at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 16th day of October, 1980, at the hour of 9 o'clock A. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. G-80-06-16 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating a portion of an alley between Huffman
Street and Spring Street running from Sherman Street to Andrew
Street

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

Ben Eisbart
John Nuckols

Samuel J. Talarico
D Schmidt

10-14-80
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION

WHEREAS, SCOTT'S FOODLANE, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, to-wit:

Commencing at the Southwest corner of Lot Number 8 in the Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana, as shown in Plat Book 2 at Page 48 in the Office of the Allen County Recorder, thence in an easterly direction on and along the South boundary lines of said Lot 8 and Lot 9 in said addition a distance of 83 feet; thence in a southerly direction parallel with Sherman Street a distance of 10 feet to the North boundary line of Lot Number 21 in Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana; thence in a westerly direction on and along the North boundary line of said Lot Number 21 a distance of 83 feet to the Northwest corner of said Lot 21; thence in a northerly direction, parallel with Sherman Street a distance of 10 feet, to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Mark L. Akers, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held 10-1-80 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 10 DAY OF OCT 19 80

FORT WAYNE BOARD OF PUBLIC WORKS

Mark L. Akers
Mark L. Akers, Chairman

Herbert R. Gamache
Herbert R. Gamache, Member

Roberta Anderson-Staton
Roberta Anderson-Staton, Member

R E S O L U T I O N

WHEREAS, SCOTT'S FOODLANE INC., has requested and petitioned the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

Commencing at the Southwest corner of Lot Number 8 in the Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana, as shown in Plat Book 2 at Page 48 in the Office of the Allen County Recorder, thence in an easterly direction on and along the South boundary lines of said Lot 8 and Lot 9 in said addition a distance of 83 feet; thence in a southerly direction parallel with Sherman Street a distance of 10 feet to the North boundary line of Lot Number 21 in Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana; thence in a westerly direction on and along the North boundary line of said Lot Number 21 a distance of 83 feet to the Northwest corner of said Lot 21; thence in a northerly direction, parallel with Sherman Street a distance of 10 feet, to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on July 11, 1980, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Joyce Schlatter, Secretary of the Fort Wayne City Plan Commission do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 28, 1980, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 29th DAY OF September 19 80

FORT WAYNE CITY PLAN COMMISSION

Joyce Schlatter
Joyce Schlatter, Secretary

RECEIPT

Date

March 19 1980

No.

10941

Received From

W. V. Scott

Address

155 So. 2nd Street, Pecan 46733

For

fifty & 00/100 Dollars \$ 50.00
allay vacation

ACCOUNT

HOW PAID

AMT. OF
ACCOUNT

CASH

AMT. PAID

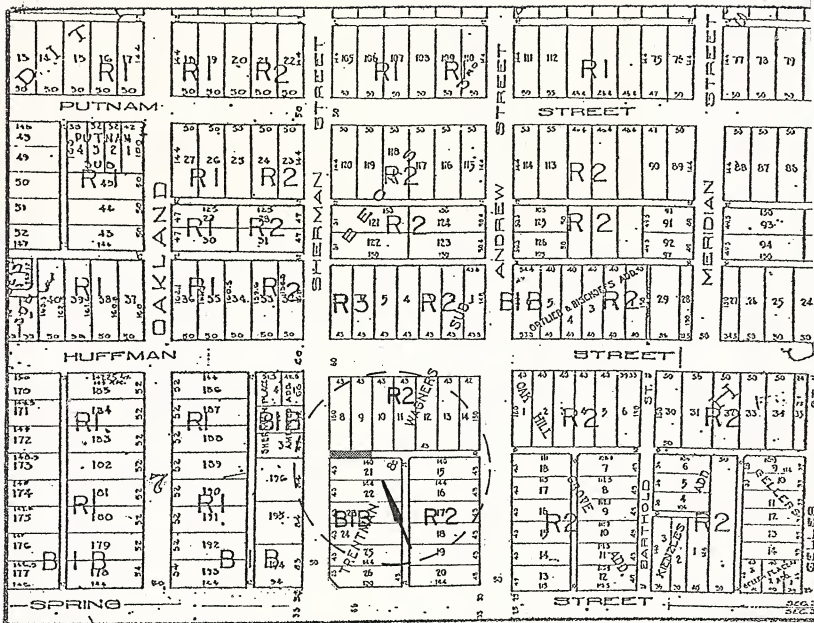
CHECK

BALANCE
DUEMONEY
ORDER

By

Pat B.

K#
2358

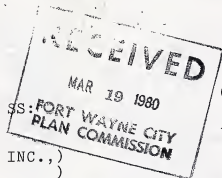


REQUEST TO VACATE PART OF AN ALLEY

Map No. L-14

G-80-06-16

STATE OF INDIANA)
COUNTY OF ALLEN)
SCOTT'S FOODLANE, INC.,)
Petitioner)



CITY PLAN COMMISSION OF FORT WAYNE
ALLEN COUNTY, INDIANA

COMMISSION DOCKET NO. _____

PETITION FOR RECOMMENDATION OF PLAN
COMMISSION TO VACATE A PORTION OF ALLEY

WHEREAS, petitioner has filed a petition to vacate a portion of an alley located between Huffman Street and Spring Street running from Sherman Street to Andrew Street in the Allen Circuit Court of Allen County, Indiana, and

WHEREAS, I.C. 18-7-4-512 (2) , provides that no public way shall be vacated until the Plan Commission having jurisdiction over the area involved shall have first given notice and held a public hearing on vacation of such public way, now therefore

Comes now your petitioner and petitions the Fort Wayne City Plan Commission, after notice and public hearing pursuant to statute, to adopt the resolution recommending the vacation of a portion of the alley between Huffman Street and Spring Street running from Sherman Street to Andrew Street, more particularly described as follows:

Commencing at the Southwest corner of Lot number 8 in the Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana, as shown in Plat Book 2 at Page 48 in the Office of the Allen County Recorder, thence in an easterly direction on and along the South boundary lines of said Lot 8 and Lot 9 in said addition a distance of 83 feet; thence in a southerly direction parallel with Sherman Street a distance of 10 feet to the North boundary line of Lot number 21 in Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana; thence in a westerly direction on and along the North boundary line of said Lot 21 a distance of 83 feet to the Northwest corner of said Lot 21; thence in a northerly direction, parallel with Sherman Street a distance of 10 feet, to the place of beginning.

In support thereof, your Petitioner would represent as follows:

1. That Petitioner is the owner of the real estate abutting both sides of the portion of the alley to be vacated.

2. That the portion of the alley to be vacated is not necessary as ingress or egress to other properties whatsoever.

3. That no other person, firm or corporation is interested in or will be injured or damaged by the requested vacation.

4. That the maintenance of said portion of alley to be vacated is not necessary or advantageous to the growth of the City of Fort Wayne, Indiana.

5. That it would be in the best interests of the City of Fort Wayne, Indiana, and the citizens thereof, for said portion of said alley heretofore described to be vacated.

6. Said vacation would not be contrary to the general policy and pattern of development set out in the master plan of the City of Fort Wayne;

7. Said portion of alley proposed to be vacated will not be of public utility and benefit;

8. Said vacation will not cut off the public's access to any church, school or other public building or grounds;

WHEREFORE, your Petitioner prays that the above-described portion of alley be vacated according to the provisions of the Indiana law pertaining thereto.

DATED THIS ____ DAY OF _____, 1980.

SCOTT'S FOODLANE, INC.

BY: Timothy E. Baker
Timothy E. Baker
DEVOSS & SCOTT
155 South Second Street
Decatur, Indiana 46733
Attorneys for Petitioner

STATE OF INDIANA

COUNTY OF

} SS.

Personally appeared before me the undersigned, a Notary Public in and for said county and state

who acknowledged the execution of the foregoing instrument to be voluntary act and deed.

WITNESS my hand and notarial seal this day of, 19.....

.....(SEAL)

My Commission expires

Notary Public

STATE OF INDIANA

COUNTY OF

} SS.

Personally appeared before me the undersigned, a Notary Public in and for said county and state

who acknowledged the execution of the foregoing instrument to be voluntary act and deed.

WITNESS my hand and notarial seal this day of, 19.....

.....(SEAL)

My Commission expires

Notary Public

STATE OF INDIANA

COUNTY OF

} SS.

BE IT REMEMBERED that on this day of, A.D., 19....., before me, a

Notary Public in and for the county and state aforesaid, personally appeared

..... President and, Secretary, respective-

ly of and each acknowledged the execution of the above and foregoing instrument in behalf of said corporation as the voluntary act and deed of said corporation and of said officials for said corporation, for the uses and purposes set forth.

WITNESS my hand notarial seal the day and year first above written.

.....(SEAL)

My Commission expires

Notary Public

EASEMENT FOR GAS MAINS

FROM

Scott's Foodlane, Inc.

Grantor,

TO

NORTHERN INDIANA
PUBLIC SERVICE COMPANY

Checked by

Date September 24, 1989

District Fort Wayne

Contract File No.

Charge Acct. No. BU 887-22

Know All Men, That

Scott's Foodlands, Inc.

herein called the "grantors", in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid to the grantors, hereby grant to Northern Indiana Public Service Company, an Indiana corporation, and to its successors and assigns, a right-of-way to lay, install, maintain, operate, repair, replace and renew gas mains and a line or lines of pipe for the transportation and distribution of gas to the public in general, with all necessary and convenient equipment, facilities, service pipes, lines and connections therefor, and to operate by means thereof a system for such transportation and distribution of gas, to be used for light, heat, power and other purposes, in, upon, along and over a

strip of land situated in Section 35, Township 31 North, Range 12 E of the Second Principal Meridian, in the county of Allen, State of Indiana, described as follows:

Commencing at the Southwest corner of Lot Number 8 in the Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana, as shown in Plat Book 2 at Page 48 in the Office of the Allen County Recorder, thence in an easterly direction on and along the South boundary lines of said Lot 8 and Lot 9 in said addition a distance of 83 feet; thence in a southerly direction parallel with Sherman Street a distance of 10 feet to the North boundary line of Lot Number 21 in Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana; thence in a westerly direction on and along the North boundary line of said Lot 21 a distance of 83 feet to the Northwest corner of said Lot 21; thence in a northerly direction, parallel with Sherman Street a distance of 10 feet, to the place of beginning.

as described in Plat Book 2 at Page 48 in the Allen County Recorder's Office.

Access to the above described strip of land over the adjoining lands of the grantors is hereby granted. Any pipe line, or lines, shall, at the time of the construction thereof, be buried to such depth as shall not interfere with the cultivation of said premises. Grantee shall replace in a good and workmanlike manner all tile cut in the construction of its line or lines hereunder. Any damage to the crops, fences, or improvements of the grantors on said strip of land, or on the lands of the grantors adjoining said strip of land, done by the grantee in the installation, maintenance, operation, repair, replacement or renewal of said line or lines of pipe and the equipment and facilities connected therewith, shall be promptly paid for by the grantee. The grantee may cut or trim trees, bushes and saplings growing upon or extending over said strip of land so far as may be reasonably necessary in the installation, maintenance, operation, repair, replacement or renewal of said line or lines of pipe and the equipment and facilities connected therewith. Patrolling said line or lines of pipe on foot shall not constitute grounds for a claim for crop damage.

The grantors reserve the use of said strip of land not inconsistent herewith, but no buildings or structures shall be erected or placed on said strip of land by grantors.

The rights herein granted may be assigned in whole or in part.

The grantee shall and will indemnify and save the grantors harmless from and against any and all damage, injuries, losses, claims, demands or costs proximately caused by the fault, culpability, or negligence of the grantee in the installation, maintenance, operation, repair, replacement or renewal of said line or lines of pipe, and the equipment and facilities connected therewith, over and across said strip of land.

The undersigned grantors hereby covenant that they are the owners in fee simple of said strip of land, are lawfully seized thereof, and have good right to grant and convey said easement herein, and guarantee the quiet possession thereof, that the said strip of land is free from all encumbrances, and that the grantors will warrant and defend the title to said easement against all lawful claims.

These presents shall be binding on the heirs, executors, administrators, grantees and assigns of the grantors, and upon the grantee, its successors and assigns.

IN WITNESS WHEREOF, the grantors have duly executed this instrument this _____ day of _____, A.D., 19____.

William C. Reitz, President

L. Carol Reitz, Secretary

In consideration of one dollar (\$1.00), the undersigned hereby adopts and joins in the execution of the above and foregoing easement and consents to the enjoyment by grantee therein of the rights granted by said easement.

GRANT OF EASEMENT

THIS INDENTURE WITNESSETH, that Scott's Foodlane, Inc., a Corporation duly incorporated under the Laws of the State of Indiana, of Allen County, State of Indiana, hereinafter referred to as "Grantor", hereby grants, quit-claims and conveys to the City of Fort Wayne, Indiana, hereinafter referred to as "Grantee", for One Dollar (\$1.00) and other valuable consideration a utility easement and right-of-way over the following described real estate:

Commencing at the Southwest corner of Lot number 8 in the Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana, as shown in Plat Book 2 on Page 42 in the Office of the Allen County Recorder, thence in an easterly direction on and along the South boundary lines of said Lot 8 and Lot 9 in said addition a distance of 83 feet; thence in a southerly direction parallel with Sherman Street a distance of 10 feet to the North boundary line of Lot number 21 in Trentman and Wagner's Addition to the City of Fort Wayne, Allen County, Indiana; thence in a westerly direction on and along the North boundary line of said Lot 21 a distance of 83 feet to the Northwest corner of said Lot 21; thence in a northerly direction, parallel with Sherman Street a distance of 10 feet, to the place of beginning.

for the sole purpose of installing, repairing, maintaining, controlling, altering, reconstructing, operating or removing a sewer line in, into, upon, over, along, across, and under the above-described real estate, located in the City of Fort Wayne, County of Allen, State of Indiana.

Said easement shall run with the land, and shall be binding upon the parties hereto, their successors and assigns.

Grantee shall be liable for any damage to, or repair or, any improvements made by Grantor which are located on the above-described easement or adjoining real estate owned by Grantor, which damage or repairs arise as a result of the installation, repairing, maintenance, control, alteration, reconstruction, operation or removal of the above-said sewer line by Grantee.

Grantor certifies under oath that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this deed.

IN WITNESS WHEREOF, Scott's Foodlane, Inc. by its President, William G. Reitz, and by its Secretary, L. Carroll Reitz, have hereunto set their hands and seals this _____ day of October, 1980.

SCOTT'S FOODLANE, INC.

BY: _____
William G. Reitz, President

ATTEST:

L. Carroll Reitz, Secretary

STATE OF INDIANA
COUNTY OF ALLEN, SS:

Before me, _____, a Notary Public in and for the State and County aforesaid, personally appeared, William G. Reitz and L. Carroll Reitz, who, upon their oaths, acknowledge themselves to be the President and Secretary, respectively, of Scott's Foodlane, Inc., and acknowledge that they, as said President and Secretary, being authorized so to do, executed the foregoing Grant of Easement, voluntarily and for the purposes contained therein by subscribing thereto the name of said Company and attesting the official seal of the Company by themselves as President and Secretary respectively.

WITNESS, my hand and notary seal of office in the State and County aforesaid on the day and year first above-written.

Notary Public
resident of Allen County

My Commission expires:



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

29 September 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held July 28, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-80-06-16
2. Intended Use: Vacated right-of-way will be utilized by Scott's Grocery, the adjacent property owners, for enlarging the present store.
3. Plan Commission Recommendation: DO PASS with condition.

CONDITION: The easement required by NIPSCO & Water Pollution Control Engineering shall be prepared and approved by the appropriate utility prior to this request being forwarded to Council.

NOTE: All necessary easements have been submitted and approved and copies are attached to the original ordinance and on file in the Plan Commission Office.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING

Gary F. Baeten
Gary F. Baeten
Senior Planner

GFB:pb

Attachment

DIGEST SHEET

(6.05 amended)
*8-80-06-16*TITLE OF ORDINANCE Alley Vacation OrdinanceDEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE Portion of an alley between Huffman Street and
Spring Street running from Sherman Street to Andrew Street.EFFECT OF PASSAGE Property is now public right-of-way. Property will
become private property and revert to the adjacent property owners.EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) Regulations



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, Clerk -> Room 122

October 20, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of October 23 and October 30, 1980, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Zoning Map Ordinances:

Bill No. Z-79-09-17

Zoning Map Ordinance No. Z-25-80

Bill No. Z-80-06-12

Zoning Map Ordinance No. Z-26-80

General Ordinances:

General Ordinance No. G-19-80

Bill No. G-79-05-09

General Ordinance No. G-20-80

Bill No. G-79-08-16

General Ordinance No. G-21-80

Bill No. G-80-06-16 (AS AMENDED)

Please send us eighteen (18) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

(Charles W. Westerman)
Charles W. Westerman
City Clerk

LEGAL NOTICE

Notice is hereby given that on the 14th day of October, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-79-09-17 -- Zoning Map Ordinance No. Z-25-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-26.

Notice is hereby given that on the 14th day of October, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-06-12 -- Zoning Map No. Z-26-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-31

Notice is hereby given that on the 14th day of October, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-79-05-09 -- General Ordinance No. G-19-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Gay Street

Notice is hereby given that on the 14th day of October, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-79-08-16 -- General Ordinance No. G-20-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of an alley between Harmar, Wayne, Francis and Washington Streets

Notice is hereby given that on the 14th day of October, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-06-16 (AS AMENDED) -- General Ordinance No. G-21-80, being AN ORDINANCE amending the thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley between Huffman Street and Spring Street running from Sherman Street to Andrew Street.

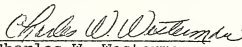
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-79-09-17 -- Zoning Map Ordinance No. Z-25-80; Bill No. Z-80-06-12 -- Zoning Map Ordinance No. Z-26-80; Bill No. G-79-05-09 -- General Ordinance No. G-19-80; Bill No. G-79-08-16 -- General Ordinance No. G-20-80 and Bill No. G-80-06-16 (AS AMENDED) -- General Ordinance No. G-21-80, were passed by the Common Council on the 14th day of October, 1980, said Ordinances were signed and approved by the Mayor on the 16th day of October, 1980, and now remains on file and on record in my office.

Copies of Bill No. Z-79-09-17 --- Zoning Map Ordinance No. Z-25-80; Bill No. Z-80-06-12 --- Zoning Map Ordinance No. Z-26-80;-- Bill No. G-79-05-08 -- General Ordinance No. G-19-80; Bill No. G-80-08-16 -- General Ordinance No. G-20-80 and Bill No. G-80-06-16 (AS AMENDED) -- General Ordinance No. G-21-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

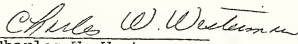
- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-79-09-17 -- Zoning Map Ordinance No. Z-25-80; Bill No. Z-80-06-12 -- Zoning Map Ordinance No. Z-26-80; Bill No. G-79-05-08 -- General Ordinance No. G-19-80; Bill No. G-80-08-16 -- General Ordinance No. G-20-80 and Bill No. G-08-06-16 (AS AMENDED) -- General Ordinance No. G-21-80 will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana


Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on October 23


Charles W. Westerman
City Clerk

Fort Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines _____

Head number of lines _____

Body number of lines 115

Tail number of lines 2

Total number of lines in notice 117

COMPUTATION OF CHARGES

117 lines, 1 columns wide equals 117 equivalent lines at .253¢ \$ 29.60
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two)

16 extra 8.00

TOTAL AMOUNT OF CLAIM.

\$ 37.60

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Oct. 30 19 80Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS.

Personally appeared before me, a notary public in and for said county and state, the undersigned, D. Roose, who, being duly sworn, says that she is CLERK of the

NEWS-SENTINELDAILY

newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being

as follows:

10/23 - 10/30/80

one of nine dates running for the three state representative seats in the 14th District now held by Republicans, which was advocated at a meeting of the legislative committee of the number of Commerce that he would port any redistricting me which would keep Democrats dependents out of office.

Allen County is currently split between two three-member state representative districts. The legis next year has to redraw those tricts.

Candidate to Tour

Kim Pontius, Democratic date for county council at 11 day announced a bicycle to inspect rural roads and bridge urday and Sunday.

The tour will start in the northern section of St. Joseph Town

subscribed and sworn to before me this

30th day of October 19 80

Notary Public

My commission expires September 28, 1983

Fort Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE D:**Allen**

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	_____
Head	number of lines	_____
Body	number of lines	<u>115</u>
Tail	number of lines	<u>2</u>
Total number of lines in notice		<u>117</u>

COMPUTATION OF CHARGES

117 lines, 1 columns wide equals 117 equivalent lines at .253¢ \$ 29.60
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 16 extra 8.00

TOTAL AMOUNT OF CLAIM.

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Width of single column 9.6 picas Size of type 6 point
Number of insertions 2 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the amount has been paid.

Date **Oct. 30**Title CLERK**PUBLISHER'S AFFIDAVIT**Indiana
County SS:I, Arvilla DeWald, a notary public in and for said county and state, the signed.ARVILLA DEWALD

Clerk of the

CLERKJOURNAL-GAZETTEDAILY newspaper of general circulation printed and publishedEnglish language in the city of FORT WAYNE, INDIANA
townand county aforesaid, and that the printed matter attached hereto is a true copy, was duly published in said paper for two times, the dates of publication beingwith: 10/23 - 10/30/80

bed and sworn to before me this

30th October 1980September 28, 1983 Notary Public

mission expires

Street.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. 2-79-09-17 - Zoning Map Ordinance No. 2-25-80; Bill No. 2-80-06-12 - Zoning Map Ordinance No. 2-26-80; Bill No. G-79-05-09 - General Ordinance No. G-19-80; Bill No. G-79-08-16 - General Ordinance No. G-20-80 and Bill No. G-80-06-16 (AS AMENDED) - General Ordinance No. G-21-80, were passed by the Common Council on the 14th day of October, 1980, said Ordinances were signed and approved by the Mayor on the 16th day of October, 1980, and now remains on file and on record in my office.

Copies of Bill No. 2-79-09-17 - Zoning Map Ordinance No. 2-25-80; Bill No. 2-80-06-12 - Zoning Map Ordinance No. 2-26-80; Bill No. G-79-05-09 - General Ordinance No. G-19-80; Bill No. G-79-08-16 - General Ordinance No. G-20-80 and Bill No. G-80-06-16 (AS AMENDED) - General Ordinance No. G-21-80 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City County Building

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

(3) The bulletin board in the lobby at the East door of the Allen County Court House

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(1) Reference Room in the north end of main floor in said Downtown Public Library

(2) The Journal of the Common Council of the City of Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above ordinances in the designated places as stated on October 23.

CHARLES W. WESTERMAN
City Clerk

10-23-30

Notice is hereby given that on the 14th day of October, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-79-05-09 - General Ordinance No. G-19-80, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Gay Street.

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Notice is hereby given that on the 14th day of October, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-06-16 (AS AMENDED) - General Ordinance No. G-21-80, being AN ORDINANCE amending the thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of an alley between Huffman Street and Spring Street running from Sherman Street to Andrew

Street.

10-23-30

Port Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Head	number of lines	115
Body	number of lines	2
Tail	number of lines	117
Total number of lines in notice		

COMPUTATION OF CHARGES

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cents per line							
Additional charge for notices containing rule or tabular work (50 per cent of above amount)							
Charge for extra proofs of publication (50 cents for each proof in excess of two)							16 extra 8.00
TOTAL AMOUNT OF CLAIM.							\$ 37.60

DATA FOR COMPUTING COST

Width of single column 9.6 picas	Size of type 6 point
2	Size of quad upon which type is cast 6
Number of insertions	

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the amount has been paid.

Arvilla De Kald

Date Oct. 30 19 80

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows: 10/23 - 10/30/80

Subscribed and sworn to before me this 30th day of October 19 80

September 28, 1983 Notary Public

My commission expires

Notice is hereby given that on the 14th day of October, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-79: 08-15 - Zoning Map Ordinance No. 25-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-26.

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